

**TWENTY-SIXTH LEGISLATIVE DAY
FRIDAY, FEBRUARY 4, 2005**

House of Representatives

The House convened at 8 a.m., the Speaker in the Chair.

Roll call showed 66 members present.

Absent and excused -- Crow, Eskridge, Schaefer, Wood.
Total -- 4.

Total -- 70.

Prayer was offered by Pastor Wayne Freedman, Council Community Church.

The Pledge of Allegiance was led by Jessica Berg, Page.

Approval of Journal

February 4, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-fifth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

Report of Standing Committees

February 4, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 101**, **H 102**, **H 103**, **H 104**, **H 105**, **H 106**, **H 107**, and **H 108**.

FIELD(18), Chairman

H 101 and **H 102** were referred to the Transportation and Defense Committee.

H 103 and **H 104** were referred to the Local Government Committee.

H 105 and **H 106** were referred to the Environment, Energy, and Technology Committee.

H 107 was referred to the State Affairs Committee.

H 108 was referred to the Revenue and Taxation Committee.

February 4, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled

H 6, **H 7**, and **H 8** to the Governor at 11:50 a.m., as of this date, February 3, 2005.

FIELD(18), Chairman

February 3, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 1** and recommend that it do pass.

FIELD(18), Chairman

H 1 was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

HOUSE BILL NO. 109

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO PROPERTY TAX EXEMPTIONS; AMENDING CHAPTER 6, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-602HH, IDAHO CODE, TO PROVIDE FOR A TAX EXEMPTION FOR PROPERTY OWNED BY QUALIFIED PERSONS AGED SIXTY-FIVE YEARS OR OLDER, TO PROVIDE FOR APPLICATION OF THE EXEMPTION TO HOMESTEAD, TO PROVIDE CONDITIONS FOR THE EXEMPTION, TO DEFINE TERMS, TO PROVIDE THAT AN OWNER IS REQUIRED TO MAKE APPLICATION FOR THE EXEMPTION ONLY ONCE IF CERTAIN CONDITIONS ARE MET, TO PROVIDE FOR RECORDS, TO PROVIDE WHEN TAXES ARE DUE, TO PROVIDE CIVIL PENALTIES AND TO DECLARE THAT THE EXEMPTION IS NECESSARY AND JUST; AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 110

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO THE SALES AND USE TAX; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3622QQ, IDAHO CODE, TO PROVIDE A SALES AND USE TAX EXEMPTION FOR THE SALES OR USE OF MACHINERY AND EQUIPMENT USED IN ALTERNATIVE METHODS OF GENERATION OF ELECTRICITY AND TO DEFINE TERMS; DECLARING AN EMERGENCY AND PROVIDING A SUNSET DATE.

HOUSE BILL NO. 111

BY BUSINESS COMMITTEE

AN ACT

RELATING TO THE IDAHO INDIVIDUAL HIGH RISK REINSURANCE POOL; AMENDING SECTION 41-5510, IDAHO CODE, TO REVISE ELIGIBILITY PROVISIONS FOR COVERAGE UNDER THE POOL PLAN.

HOUSE BILL NO. 112
BY BUSINESS COMMITTEE
AN ACT

RELATING TO RECIPROCAL INSURERS; AMENDING SECTIONS 41-2918 AND 41-2926, IDAHO CODE, TO DELETE LANGUAGE APPLICABLE TO DOMESTIC RECIPROCAL INSURERS WHICH EXCLUSIVELY INSURE MEMBERS WHO ARE GOVERNMENTAL ENTITIES.

HOUSE BILL NO. 113
BY BUSINESS COMMITTEE
AN ACT

RELATING TO PRODUCER LICENSING; AMENDING SECTION 41-1024, IDAHO CODE, TO PROVIDE THAT FIDUCIARY FUNDS RECEIVED OR COLLECTED BY A PRODUCER SHALL BE TRUST FUNDS AND SHALL BE PAID TO THE PERSON ENTITLED TO THE FUNDS, TO PROVIDE THAT PRODUCERS SHALL ESTABLISH A SEPARATE ACCOUNT FOR CERTAIN FUNDS, TO REVISE TERMINOLOGY, TO PROVIDE THAT PRODUCERS MAY COLLECT AND DEPOSIT FUNDS INTO A SWEEP ACCOUNT MAINTAINED BY OR FOR THE BENEFIT OF AN APPLICABLE INSURER, TO PROVIDE FOR THE PROMULGATION OF RULES AND TO DEFINE FIDUCIARY FUNDS.

HOUSE BILL NO. 114
BY BUSINESS COMMITTEE
AN ACT

RELATING TO INSURANCE PRACTICES; AMENDING CHAPTER 13, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1325, IDAHO CODE, TO SET FORTH REQUIREMENTS FOR INSURANCE PRODUCERS WHO BORROW MONEY, SECURITIES OR ANYTHING OF VALUE FROM CLIENTS OR CUSTOMERS.

HOUSE BILL NO. 115
BY BUSINESS COMMITTEE
AN ACT

RELATING TO INSURANCE FRAUD; AMENDING SECTION 41-291, IDAHO CODE, TO REVISE THE DEFINITION FOR "AUTHORIZED AGENCIES" AND TO MAKE TECHNICAL CHANGES; AMENDING SECTION 41-292, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE DISCLOSURE OF INFORMATION BY INSURERS RELATING TO POSSIBLE FRAUD AND TO MAKE TECHNICAL CHANGES; AND AMENDING SECTION 41-295, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE INVESTIGATION SECTION OF THE DEPARTMENT OF INSURANCE.

HOUSE BILL NO. 116
BY BUSINESS COMMITTEE
AN ACT

RELATING TO INSURERS; AMENDING SECTION 41-335, IDAHO CODE, TO REMOVE LANGUAGE REQUIRING THAT CERTAIN INSURERS ATTACH AFFIDAVITS TO THEIR ANNUAL STATEMENTS; REPEALING SECTION 41-339, IDAHO CODE, REQUIRING

AFFIDAVITS OF COMPLIANCE; AND AMENDING SECTION 41-4807, IDAHO CODE, TO DELETE A CODE REFERENCE.

HOUSE BILL NO. 117
BY BUSINESS COMMITTEE
AN ACT

RELATING TO ANNUITY SALES; AMENDING CHAPTER 19, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1940, IDAHO CODE, TO SET FORTH REQUIREMENTS FOR RECOMMENDATIONS OF ANNUITY SALES INVOLVING SENIOR CONSUMERS, TO DEFINE "SENIOR CONSUMER," TO REQUIRE THAT CERTAIN INFORMATION BE OBTAINED, TO RELEASE INSURANCE PRODUCERS AND INSURERS FROM OBLIGATIONS BASED UPON SPECIFIED ACTIONS BY SENIOR CONSUMERS, TO EXEMPT CERTAIN RECOMMENDATIONS FROM APPLICATION, TO PROVIDE FOR THE PROMULGATION OF RULES AND TO PROVIDE THAT NO PRIVATE CAUSE OF ACTION IS CREATED.

HOUSE BILL NO. 118
BY BUSINESS COMMITTEE
AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-231, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO HEARINGS AND APPEALS; REPEALING SECTION 41-233, IDAHO CODE, APPLICABLE TO STAYS OF ACTION; AMENDING SECTION 41-235, IDAHO CODE, TO PROVIDE FOR FOURTEEN DAYS OF ADVANCE NOTICE, TO DELETE LANGUAGE REFERENCING HEARINGS HELD FOR CONSIDERATION OF RULES AND REGULATIONS OF THE DIRECTOR OR OTHER SPECIFIED MATTERS AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTIONS 41-239, 41-242 AND 41-246, IDAHO CODE, APPLICABLE TO HEARING PROCEDURES, METHODS OF APPEAL AND APPEALS TO THE SUPREME COURT; AMENDING SECTION 41-1016, IDAHO CODE, TO REVISE A NOTICE REQUIREMENT; AMENDING SECTION 41-1301, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 41-1320, IDAHO CODE, APPLICABLE TO SERVICE OF NOTICES AND PROCESSES; AMENDING SECTION 41-1321, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO PROCEDURES RELATED TO UNDEFINED PRACTICES; REPEALING SECTION 41-1322, IDAHO CODE, APPLICABLE TO APPEALS BY INTERVENORS; AMENDING SECTION 41-1417, IDAHO CODE, TO REVISE NOTICE REQUIREMENTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-1426, IDAHO CODE, TO DELETE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-1432, IDAHO CODE, TO REVISE A NOTICE REQUIREMENT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-1434, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO

HEARING PROCEDURES; REPEALING SECTION 41-1435, IDAHO CODE, APPLICABLE TO APPEALS FROM A DIRECTOR'S ORDER; AMENDING SECTIONS 41-1440 AND 41-1610, IDAHO CODE, TO REVISE NOTICE REQUIREMENTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-1614, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION AND TO REVISE A NOTICE REQUIREMENT; AMENDING SECTION 41-1619, IDAHO CODE, TO DELETE A CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 41-1620, IDAHO CODE, TO REVISE A NOTICE REQUIREMENT; AMENDING SECTION 41-1621, IDAHO CODE, TO REVISE A NOTICE REQUIREMENT, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTIONS 41-1622 AND 41-1623, IDAHO CODE, TO REVISE NOTICE REQUIREMENTS; REPEALING SECTION 41-1625, IDAHO CODE, APPLICABLE TO HEARINGS AND APPEALS; AMENDING SECTION 41-2309, IDAHO CODE, TO REVISE A NOTICE REQUIREMENT AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 41-2315, IDAHO CODE, RELATING TO JUDICIAL REVIEW; AND AMENDING SECTION 41-2316, IDAHO CODE, TO REVISE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 119
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO THE DEPARTMENT OF INSURANCE; AMENDING SECTION 41-213, IDAHO CODE, TO PROVIDE FURTHER ENFORCEMENT AUTHORITY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-1237, IDAHO CODE, TO REVISE A NOTICE PROVISION, TO PROVIDE THAT THE DIRECTOR MAY ORDER THE INSURER TO DESIST A PROHIBITED PRACTICE, TO REMOVE LANGUAGE REFERENCING FINDINGS BASED UPON HEARINGS AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 41-1319, IDAHO CODE, APPLICABLE TO DESIST ORDERS FOR PROHIBITED PRACTICES; AMENDING SECTION 41-1327, IDAHO CODE, TO REVISE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 41-4805, IDAHO CODE, TO REVISE A CODE REFERENCE.

HOUSE BILL NO. 120
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO THE INTERSTATE INSURANCE PRODUCT REGULATION COMPACT; AMENDING TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 57, TITLE 41, IDAHO CODE, TO PROVIDE A PREAMBLE, TO PROVIDE THAT THE DIRECTOR OF THE IDAHO DEPARTMENT OF INSURANCE SHALL SERVE AS IDAHO'S REPRESENTATIVE ON THE INTERSTATE INSURANCE PRODUCT REGULATION COMMISSION, TO PROVIDE FOR ADOPTION OF THE COMPACT, TO SET FORTH PURPOSES, TO DEFINE TERMS, TO PROVIDE

FOR THE ESTABLISHMENT OF THE COMMISSION, TO PROVIDE FOR VENUE, TO PROVIDE FOR POWERS OF THE COMMISSION, TO PROVIDE FOR THE ORGANIZATION OF THE COMMISSION, TO PROVIDE FOR MEETINGS AND ACTS OF THE COMMISSION, TO PROVIDE FOR RULES AND OPERATING PROCEDURES, TO SET FORTH PROVISIONS RELATING TO COMMISSION RECORDS AND ENFORCEMENT, TO PROVIDE FOR DISPUTE RESOLUTION, TO PROVIDE FOR PRODUCT FILING AND APPROVAL, TO PROVIDE FOR THE REVIEW OF COMMISSION DECISIONS REGARDING FILINGS, TO SET FORTH PROVISIONS RELATING TO THE FINANCES OF THE COMMISSION, TO PROVIDE THAT ANY STATE IS ELIGIBLE TO BECOME A COMPACTING STATE, TO PROVIDE FOR THE EFFECTIVE DATE OF THE COMPACT, TO PROVIDE FOR AMENDMENTS TO THE COMPACT, TO PROVIDE FOR WITHDRAWAL, DEFAULT AND TERMINATION, TO PROVIDE FOR SEVERABILITY AND CONSTRUCTION AND TO SET FORTH THE BINDING EFFECT OF THE COMPACT AND OTHER LAWS.

HOUSE BILL NO. 121
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO THE INSTALLATION OF HEATING, VENTILATION AND AIR CONDITIONING SYSTEMS; AMENDING SECTION 54-5002, IDAHO CODE, TO PROVIDE A LIMITED EXCEPTION FOR MODULAR BUILDINGS; AND AMENDING SECTION 54-5006, IDAHO CODE, TO AUTHORIZE THE ADMINISTRATOR OF THE DIVISION OF BUILDING SAFETY TO MAKE INSPECTIONS OF HEATING, VENTILATION AND AIR CONDITIONING SYSTEMS FOR OTHER JURISDICTIONS AND UPON WRITTEN REQUEST FROM MANUFACTURERS.

HOUSE BILL NO. 122
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO REGULATION OF LIQUEFIED PETROLEUM GAS; AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 51, TITLE 54, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE A DECLARATION OF POLICY, TO PROVIDE DEFINITIONS, TO PROVIDE FOR A LICENSE REQUIREMENT, TO PROVIDE EXEMPTIONS, TO PROVIDE FOR THE LICENSING OF APPLICANTS AND ENDORSEMENT, TO PROVIDE QUALIFICATIONS FOR DEALER LICENSE, TO PROVIDE FOR ISSUING A FACILITY LICENSE AND TO PROVIDE FOR EQUIPMENT SAFETY AND FACILITY INSPECTIONS, TO CREATE THE IDAHO LIQUEFIED PETROLEUM GAS SAFETY BOARD, TO PROVIDE POWERS AND DUTIES OF THE BOARD, TO PROVIDE FOR THE DENIAL AND ISSUANCE OF LICENSES, TO PROVIDE FOR THE CLASSIFICATION OF LICENSES, TO PROVIDE FOR THE FORM OF A LICENSE, RECORDS, FEES AND PAYMENT OF COSTS AND EXPENSES, TO PROVIDE FOR NONTRANSFERAL OF LICENSES, TO PROVIDE FOR REVOCATION OR SUSPENSION OF A LICENSE AND PROCEDURES FOR

DISCIPLINARY PROCEEDINGS, TO PROVIDE FOR VIOLATIONS AND PENALTIES, TO SPECIFY THE DUTY OF PROSECUTING ATTORNEYS AND THE ATTORNEY GENERAL OF THE STATE OF IDAHO AND TO LIMIT LIABILITY OF LICENSEES; AMENDING SECTION 67-2601, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF SELF-GOVERNING AGENCIES SHALL INCLUDE THE LIQUEFIED PETROLEUM SAFETY BOARD; AND AMENDING SECTION 67-2602, IDAHO CODE, TO PROVIDE THAT THE BUREAU OF OCCUPATIONAL LICENSES IS EMPOWERED TO PROVIDE SERVICES FOR THE LIQUEFIED PETROLEUM SAFETY BOARD AND TO PROVIDE PROPER TERMINOLOGY.

H 109, H 110, H 111, H 112, H 113, H 114, H 115, H 116, H 117, H 118, H 119, H 120, H 121, and H 122 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

HCR 6, H 22, H 24, H 46, and H 47, by State Affairs Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, February 7, 2005. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Monday, February 7, 2005. Seconded by Mr. Sayler. Motion carried.

Whereupon the Speaker declared the House adjourned at 8:27 a.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk